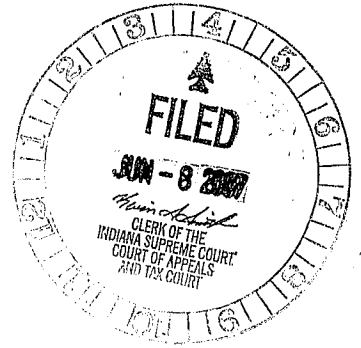


In the
Indiana Supreme Court



IN THE MATTER OF)
)
APPROVAL OF LOCAL RULES)
)
FOR LAPORTE COUNTY)

Cause No. 46S00-0706-MS- 229

ORDER APPROVING AMENDMENT TO LOCAL RULE

Pursuant to Ind. Trial Rule 81(D), the judges of the LaPorte Circuit and Superior Courts have requested this Court's approval of amendments to LaPorte County Local Rules LR46-TR79(H)-1.


Upon examination of the proposed rule amendments requested by the LaPorte Circuit and Superior Courts, this Court finds that the proposed rule amendments to Local Rule LR46-TR79(H)-1 comply with the requirements of Ind. Trial Rule 79(H) and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that LaPorte County Local Rule LR46-TR79(H)-1, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas Alevizos, LaPorte Circuit Court, 813 Lincoln Way, LaPorte, IN 46350-3429; the Hon. Kathleen Lang, LaPorte Superior Court, 300 Washington Street, Michigan City, IN 46360; the Hon. Steven E. King, LaPorte Superior Court, 300 Washington Street, #202, Michigan City, IN 46360; the Hon. Paul J. Baldoni, LaPorte Superior Court, 809 State Street, LaPorte, IN 46350-3429; the Hon. William J. Boklund, LaPorte Superior Court, 300 Washington Street, #116, Michigan City, IN 46360; and to the Clerk of the LaPorte Circuit Court.

The Clerk of the LaPorte Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 8th day of June, 2007.



Randall T. Shepard
Chief Justice of Indiana

In cases arising from a change of judge, in the event a Special Judge does not accept appointment under Sections (D), (E) or (F) or of TR 79, the appointment of a Special Judge for that case shall be made as follows:

1. The presiding Judge in the court where the case is filed shall name a new panel of three (3) Judges from the Judge pool.
 - (a) Judge pool shall include all presiding Judges, Senior Judges, Magistrates and Retired Judges in Current Judge Pool:
 - Circuit Court:
 - Superior Court #1:
 - Superior Court #2:
 - Superior Court #3:
 - Superior Court #4:
 - Presiding Magistrates
 - Presiding Senior Judges
 - (b) New panel shall not include the names of and Judges named on the first panel in the case.
2. Striking from the new panel shall be made as indicated in TR 79 (F)(2), (3), as follows:
 - (a) Striking From Panel. In an adversary proceeding, each party shall be entitled to strike one judge from the panel. In an ex parte proceeding, the sole party shall be entitled to strike one judge from the panel.
 - (b) The moving party shall be entitled to strike first. The parties shall have not less than seven (7) days ~~nor more than fourteen (14) days~~ from the day the clerk mails the panel to the parties to strike as the court may allow.
 - (c) Failure to Strike. If the moving party fails to timely strike, the judge who submitted the panel shall resume jurisdiction of the case. If the case is an ex parte proceeding or if a non-moving party fails to timely strike, the Clerk of the Circuit Court shall make the final strike.
 - (d) No Moving Party. In the event there is no moving party, the plaintiff/petitioner shall strike first from the panel appointed by the Court.

3. Appointment of Special Judge. The judge who submitted the panel shall appoint the Judge remaining on the panel as special judge in the case.
- (a) A person appointed to serve as Special Judge under this Local Rule shall accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court. The order of appointment under the local rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.
 - (b) If the appointed Judge is disqualified, ineligible or excused pursuant to (a) above, then the presiding Judge of the Court in which the case is filed will then name a Judge from the pool; that Judge so named by the presiding Judge shall then appoint a Special Judge for the case from the remaining Judges in the pool who have not been previously named to the panel.

In cases arising from the disqualification or recusal of a judge, a special judge shall be selected as provided in TR 79 (D) and (E). Should the application of (D) and (E) not result in the selection of a special judge, then a special judge shall be selected by the clerk, in rotation, from the next position on the following list:

- 1 LaPorte Circuit Court:
- 2 LaPorte Superior Court #1:
- 3 LaPorte Superior Court #2:
- 4 LaPorte Superior Court #3:
- 5 LaPorte Superior Court #4:
- 6 Magistrate Sally A. Ankony
- 7 Magistrate Thomas G. Pawloski

The judge who was disqualified or recused shall appoint the Judge selected from the list by the clerk as special judge in the case.

A person appointed to serve as Special Judge under this Local Rule shall accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court. The order of appointment under the local rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.